

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ARMONIA SHARIAH
BARTLETT, SHANTAE DAZHAWTIE
BARTLETT, and SHARDAE DAZHAWNIA
BARTLETT, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
June 22, 2006

Petitioner-Appellee,

v

LAURIE DEVON TURNER, a/k/a LAURIE
DOVEN TURNER,

No. 266004
Wayne Circuit Court
Family Division
LC No. 04-427153-NA

Respondent-Appellant,

and

AARON THEODORE BARTLETT,

Respondent.

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). This Court reviews the trial court's decision under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The trial court did not clearly err in finding that petitioner proved by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent-appellant's parental rights. Petitioner sought termination of respondent-appellant's parental rights primarily based on the physical neglect of the children and respondent-appellant's substance abuse. Testimony revealed that respondent-appellant provided only 14 drug screens of

the 67 that were requested. Two of the 14 screens were positive for alcohol and marijuana. At the termination hearing, respondent-appellant admitted that she drank alcohol and continued to use marijuana. Testimony presented at the termination hearing also established that respondent-appellant did not have a plan to provide for her children and was not able to care for her children at that time or in the near future. Thus, the trial court did not clearly err in finding that termination of respondent-appellant's parental rights was warranted because the conditions that led to the adjudication continued to exist, MCL 712A.19b(3)(c)(i), and because respondent-appellant failed to provide proper care or custody and could not be expected to provide such care within a reasonable time, MCL 712A.19b(3)(g). Furthermore, respondent-appellant testified that, in 2002, she was hospitalized because of domestic violence involving Aaron Bartlett, the father of the children, who apparently "cut" her during a fight. Such an incident of domestic violence and respondent-appellant's history of drug use posed a risk of harm to the children. Thus, the trial court did not clearly err in finding that there was a reasonable likelihood, based on the conduct of the children's parent, that the children would be harmed if returned to respondent-appellant's home, MCL 712A.19(3)(j).

Once a statutory ground for termination has been established by clear and convincing evidence, the trial court shall order termination of parental rights unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 352-354. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356-357. A finding of fact is clearly erroneous if a reviewing court is left with a definite and firm conviction that a mistake was made. *In Re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). In applying the standard, this Court should recognize the special opportunity the trial court has to assess the credibility of the witnesses. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent-appellant attended only 14 of 43 visits with her children in the 19 months that passed. Whatever bond she had with them would be greatly weakened by their lack of contact. Furthermore, respondent-appellant's therapist testified that at least two years to four more years of therapy would be required before respondent-appellant would be able to care for her children properly. This is too long for her children to wait for permanency. The trial court did not clearly err in finding that it was in the children's best interests to terminating respondent-appellant's parental rights.

Affirmed.

/s/ Alton T. Davis
/s/ David H. Sawyer
/s/ Bill Schuette